

REMARKS

A. Status of Claims.

Favorable reconsideration of this application as presently amended is respectfully requested. Claims 57-63, and 66-77 are pending. In this Amendment, claims 57, 59, 60-62, 66, 68-71 and 73-77 are amended and Claims 64 and 65 are canceled. No new matter is added.

B. Claims 57-63 and 66-77 as Currently Presented Comply with 35 U.S.C. § 112, First Paragraph.

In Section 2 of the Office Action, Claims 57-77 are rejected under 35 U.S.C. § 112, first paragraph. This rejection has been obviated in part and rendered moot in part by the above amendments to the claims.

The Examiner is thanked for pointing out the specific objectionable language. Claims 57-63 and 66-77 as currently presented comply with the requirements of 35 U.S.C. § 112, first paragraph, as shown by on Claim Chart 2 accompanying the present Amendment.

This rejection has been rendered moot with respect to Claims 64 and 65 by the cancellation of these claims.

For at least the above reasons, the rejection of Claims 57-63 and 66-77 under 35 U.S.C. § 112, first paragraph should be withdrawn.

C. The Rejection of Claims 64 and 65 under 35 U.S.C. § 112, Second Paragraph has been Obviated by the Cancellation of These Claims.

In Section 3 of the Office Action, Claims 64 and 65 are rejected under 35 U.S.C. § 112, second paragraph. This rejection has been rendered moot by the cancellation of Claims 64 and 65.

D. Suggestion of an Interference under 37 CFR § 41.202.

1. Compliance with 37 CFR § 41.202(a)(1).

In compliance with 37 CFR § 41.202(a)(1), Applicant hereby re-identifies U.S. Patent No. 5,903,588 to Guenter *et al.* (referred to as the “Guenter Patent” or “Guenter” below) as the U.S. patent with which Applicant has sought an interference. Applicant previously identified U.S. Patent No. 5,903,588 in Applicant’s Notice of Interference filed concurrently with the present application on April 25, 2000.

2. Compliance with 37 CFR § 41.202(a)(2).

In compliance with 37 CFR § 41.202(a)(2), Applicant hereby identifies Claims 1-7 and 10-21 of the Guenter Patent as interfering with Claims 57-63, and 66-77 of the present application.

In compliance with 37 CFR § 41.202(a)(2), Applicant hereby proposes 19 counts corresponding to the subject matter of above identified 19 Claims of the Guenter Patent.

In compliance with 37 CFR § 41.202(a)(2), the correspondence of Claims 1-7 and 10-21 of the Guenter Patent and Claims 57-63 and 66-77 of the present application are shown below:

Claim 1 of the Guenter Patent and Claims 57 and 62 of the present application correspond to Count 1.

Claim 2 of the Guenter Patent and Claim 58 of the present application correspond to Count 2.

Claim 3 of the Guenter Patent and Claim 59 of the present application correspond to Count 3.

Claim 4 of the Guenter Patent and Claim 60 of the present application correspond to Count 4.

Claim 5 of the Guenter Patent and Claim 61 of the present application correspond to Count 5.

Claim 6 of the Guenter Patent and Claims 57 and 62 of the present application correspond to Count 6.

Claim 7 of the Guenter Patent and Claim 63 of the present application correspond to Count 7.

Claim 10 of the Guenter Patent and Claim 64 of the present application correspond to Count 8.

Claim 11 of the Guenter Patent and Claim 65 of the present application correspond to Count 9.

Claim 12 of the Guenter Patent and Claim 66 of the present application correspond to Count 10.

Claim 13 of the Guenter Patent and Claim 67 of the present application correspond to Count 11.

Claim 14 of the Guenter Patent and Claim 68 of the present application correspond to Count 12.

Claim 15 of the Guenter Patent and Claim 69 of the present application correspond to Count 13.

Claim 16 of the Guenter Patent and Claim 70 of the present application correspond to Count 14.

Claim 17 of the Guenter Patent and Claim 71 of the present application correspond to Count 15.

Claim 18 of the Guenter Patent and Claim 72 of the present application correspond to Count 16.

Claim 19 of the Guenter Patent and Claim 73 of the present application correspond to Count 17.

Claim 20 of the Guenter Patent and Claim 74 of the present application correspond to Count 18.

Claim 21 of the Guenter Patent and Claim 75 of the present application correspond to Count 19.

3. Compliance with 37 CFR § 41.202(a)(3).

In compliance with 37 CFR § 41.202(a)(3), Applicant has provided an attached claim chart, Claim Chart 1, that: (1) compares at least one claim of the Guenter Patent and

at least one Claim of the present application to each count and (2) shows why the claims interfere within the meaning of 37 CFR § 41.203(a).

4. Compliance with 37 CFR § 41.202(a)(4).

In compliance with 37 CFR § 41.202(a)(4), Applicant provides the following explanation as to why Applicant will prevail on priority:

Applicant will prevail on priority, because Applicant can claim a priority date of December 18, 1995, the filing date of U.S. Patent No. 5,719,891, that is over a year earlier than March 6, 1997, the filing date and priority date of the Guenter Patent. The present application can claim the priority date of U.S. Patent No. 5,719,891, because the present application is a divisional of Ser. No. 08/574,165 filed Dec. 18, 1995 now U.S. Patent No. 5,719,891 and is a divisional of Ser. No. 08/964,598 filed Nov. 5, 1997 now U.S. Patent No. 5,897,329 and is a divisional of Ser. No. 08/986,401 filed Dec. 8, 1997 now U.S. Patent No. 5,903,389 and is a divisional of Application No. 09/235,639 filed January 22, 1999 now U.S. Patent No. 6,014,395 and is a divisional of Application No. 09/457,303 filed December 9, 1999 now U.S. Patent No. 6,269,109.

5. Compliance with 37 CFR § 41.202(a)(5).

In compliance with 37 CFR § 41.202(a)(5), applicant has provided an attached claim chart, Claim Chart 2, that shows the written description for each currently pending claim. For convenience, all column and line number references in Claim Chart 2 are to U.S. Patent No. 5,719,891, of which the present application is a divisional application and, which, therefore, has the same originally filed specification as the present application.

E. Applicant's Response to Section 1 of Office Action.

In Section 1, the Office Action requests that the Applicant complete sections 37 CFR §§ 41.202(a)(2), 41.202(a)(3) and 41.202(a)(4) (see Office Action, p. 2). In response,

Applicant has complied with these sub-sections of 37 CFR § 41.202(a) in the present Amendment (See Section D above and attached Claim Charts 1 and 2).

In Section 1, Office Action request that the Applicant explain how each of Applicant's proposed counts patentably distinguish from each other. However, Applicant is unable to find any such requirement in 37 CFR § 41.202.


As requested in Section 1 of the Office Action, Applicant has corrected the error in the March 6, 2006 Claim Chart in the attached Claim Chart 2.

F. Conclusion

If the Examiner has any questions or concerns regarding the present response, the Examiner is invited to contact Mark J. Guttag at 703-591-2664, Ext. 2006.

In view of the foregoing, it is respectfully submitted that all of the rejections be withdrawn and that an Interference be declared between U.S. Patent No. 5,903,588 to Guenter *et al.* and the present application.

Respectfully submitted,



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